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Jay Akhavet JAY A KHAVET Date 11/08/05

Nov 8, 2005

Commissioner for Patents
POB 1450
Alexandria , VA 22313-1450

Re: Application No. 10/648,636
Filing Date 08/26/2003
Inventor Vijay Kumar Handa
Attorney Docket 2003-016
Confirmation No 3904
Group Art Unit 1624
Examiner Zachary C Tucker
Title Process for preparing 1-methyl-3-phenylpiperazine using a novel intermediate

Mailing Date of First Action August 29, 2005

Subject: **RESPONSE TO FIRST ACTION AND PROPOSED AMENDMENT**

Sir:

This communication is in reply to your communication mailing date 08/29/2005 .

In light of your action, we propose to cancel original claims 1 – 12 and leave allowed claim 13. In addition we propose new claims 14 – 23 to address the issues you have raised in your action. In addition we have added new claims 24 and 25. A claim listing is enclosed.

Here is the explanation for the changes with reference to items in your action:

Your page 2 Paragraph 3: You note the methodology of providing a definition of the Formula in the claim. We had discussed this over the phone and in the amended paper we have followed this instruction for all the claims.

Your Page 3, Paragraph 2: Your rejection of original claims 5 and 6 stems from the lack of a proper product by process limitation for the original claim 5; Original claim 5 did not require that the starting material be obtained specifically by the process of original claim 3. To address this we have combined original claims 3 and 5 in a new claim 14 so that the starting material is limited to the one made by process of original claim 3. This should address the issue of limitation you have raised.

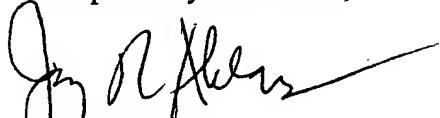
Our New claims 14 – 23: We have combined claims (as addressed above) and rearranged the original claim set 1-12 in the new claims 14- 23.

Our New claims 24, 25 : These new claims have been added to convert 1-methyl-3-phenylpiperazine to Mirtazapine according to the process of the present invention. Support for this inclusion can be found on page 8, lines 18-19.

We anticipate that these changes to address the issues you have raised in your action.

Please note change of correspondence address and phone noted below.

Respectfully submitted ,



Jay R Akhavé
Reg. No. 50,016

612
2058 N. Mills Ave
Claremont CA 91711

W 909 625 3761
Cell 909 730 3492

Encl: Amendment with claim listing